



UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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IN RE: LOWER MANHATTAN DISASTER SITE  
LITIGATION

Master Docket No.:  
21MC102 (AKH)

-----X  
ISMA GALLEG0, ET AL.,

*Plaintiffs,*

Docket No.:  
07-CV-01497 (AKH)

-against-

BATTERY PARK CITY AUTHORITY, ET AL.,

*Defendants.*  
-----X

**NOTICE OF MOTION TO SUBSTITUTE PLAINTIFF AND  
TO AMEND THE COMPLAINT TO INCLUDE A  
WRONGFUL DEATH CAUSE OF ACTION**

**PLEASE TAKE NOTICE** that on a day to be determined by this Court, Worby Groner Edelman & Napoli Bern, LLP, counsel for the deceased primary plaintiff Isma Gallego and the deceased derivative plaintiff Hernando Gallego, shall apply to the Honorable Alvin K. Hellerstein, U.S.D.J. at the Southern District of New York located at 500 Pear Street, New York, New York, Courtroom 14-D for an Order (1) substituting in Luis Ramirez, Executor of the Estate of Isma Gallego, as the Primary Plaintiff in this case, and (2) permitting the plaintiff to file an Amended Complaint that will include a cause of action for the decedent's wrongful death.

**PLEASE TAKE FURTHER NOTICE** that Worby Groner Edelman & Napoli Bern, LLP, counsel for the deceased primary plaintiff Isma Gallego and the deceased derivative plaintiff Hernando Gallego, shall move this Court for any additional appropriate relief which this Court deems just and proper.

*The motion for substitution is granted.  
The motion for leave to file an amended complaint  
is denied w/out prejudice to resubmission with an  
actual proposed amended complaint attached, and a  
memorandum showing its legal sufficiency. So ordered  
12/18/12 Alvin K. Hellerstein*

Dated: December 14, 2012

/s/ Christopher R. LoPalo  
Christopher R. LoPalo (CL-6466)  
Worby Groner Edelman & Napoli Bern, LLP  
350 Fifth Avenue, Suite 7413  
New York, New York 10118  
(212) 267-3700

Judge wrote:

“The motion for substitution is granted.

The motion for leave to file an amended complaint is denied without prejudice to re-submission with an actual proposed amended complaint attached, and a memorandum showing its legal sufficiency.

So Ordered.

Alvin K. Hellerstein  
12/18/12"